

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

3 OCTOBER 2000

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Yvonne J. Johnson, Earl F. Jones, Robert V. Perkins, Thomas M. Phillips, and Nancy Vaughan. Absent: Councilmember Donald R. Vaughan, excused by action of Council and entering early in the meeting. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Vicki Scott, employee in the Water Resources Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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John Santuccio, President of the United Arts Council, and Liz Summers, Director of Marketing; advised City Stage would be held in Greensboro on October 5-8. They provided highlights of the various activities being offered, expressed appreciation for Council's support, and invited the Council and members of the community to attend and enjoy the festivities. Recognizing Betty Cone who was present in the Chamber, Mr. Santuccio advised she was instrumental in starting this annual event twenty-one years ago.

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Betty Cone and Ann Gainey, co-chairs for the Citizens Committee for Greensboro, explained that the Committee's charge was to provide information about the City of Greensboro November 2000 Bond Referendum and promote to promote all bond issues on the ballot. Ms. Cone advised Steve Bowden had joined the Committee as the third co-chair. Mss. Cone and Gainey spoke to the Committee's efforts to date and outlined future plans; they encouraged citizen participation and support of the bonds. A video explaining each bond item was presented.

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Councilmember Burroughs-White moved that Councilmember D. Vaughan be excused from attendance at this meeting. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Councilmember D. Vaughan entered the Chamber at 6:28 p.m.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-12 Residential Single Family to Highway Business for property located on the east side of

Randleman Road between Rocky Knoll Court and Apple Ridge Road. He stated that this matter was being heard on an appeal filed by Kenny Price on behalf of Joseph H. Peele, Jr., after receiving a vote of 3 to 5 by the Zoning Commission to recommend denial of the rezoning and was continued from the 19 September 2000 meeting of Council.

Bill Ruska, Zoning Coordinator for the Greensboro Planning Department, used maps and a slide presentation to illustrate the property proposed for rezoning and the surrounding area. He stated that the Zoning Commission and the Planning Department recommended denial of the zoning request.

Mayor Holliday asked if anyone wished to be heard.

Mac Williams, residing at 4600 Wending Lane, spoke in favor of the rezoning, detailed the history of growth in the area, spoke to benefits to be derived from the proposed business development, and requested that Council approve the rezoning.

There being no one else desiring to speak to this matter, Councilmember Vaughan moved to close the public hearing. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Mr. Ruska provided the following staff recommendation:

The Planning Department recommends that this request be denied.

Staff is concerned about encouraging and establishing a pattern of strip commercial development in this segment of the Randleman Road corridor.

The BB&T rezoning at the corner of Randleman and Rocky Knoll Circle in November 1997 was the most recent approval in this area.

At that time, staff emphasized its concern with the section of Randleman Road to the north becoming strip commercial.

There are several properties for sale in this immediate area that display signs indicating they are commercial properties but are currently zoned RS-12.

Staff is also concerned about a piecemeal, lot-by-lot approach to rezoning which could eventually lead to multiple commercial entrances in a relatively short road segment, a problem that has plagued High Point Road, for example.

Staff feels there is more than enough land zoned commercial in this area and we are very concerned that this request could establish an adverse precedent of lot-by-lot rezoning going northward along Randleman Road.

Council discussed various opinions and concerns with respect to the proposed rezoning; i.e., the developer's rationale for not submitting a conditional use request for this rezoning, the fact that a precedent had already been set for this type of zoning in the area, the property rights of other neighborhood residents, etc. Councilmember Carmany expressed concern with what appeared to be piecemeal development in this area.

After further discussion, Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Holliday, Johnson, Jones, Perkins, Vaughan and Vaughan. Noes: Carmany.

00-180 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF RANDLEMAN ROAD BETWEEN ROCKY KNOLL COURT AND APPLE RIDGE ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family to Highway Business uses for the area described as follows:

BEGINNING at a point in the eastern right-of-way line of Randleman Road, said point being the southwest corner of Lot 9, Block 625, Guilford County Tax Map 9-629; thence along the southern line of said Lot 9 S86°35'E 227 feet to a point; thence S02°25'05"W 109 feet to a point; thence N86°48'W 238 feet to a point in the eastern right-of-way line of Randleman Road; thence crossing Randleman Road N86°48'W 80 feet to a point in the western right-of-way line; thence along said western right-of-way line N12°02'E 110 feet to a point; thence crossing Randleman Road S86°35'E 80 feet to the point and place of BEGINNING.

(Signed) Thomas M. Phillips

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits-located on Assembly Road east of Pineneedle Drive – 40.07 acres. He thereupon introduced so that these matters could be discussed together an ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family and Highway Business to City Zoning RS-9 Residential Single Family for property located on the south side of Assembly Road between Pineneedle Drive and U. S. 29 North.

Mr. Ruska provided a map and slides of the property proposed for annexation and zoning; he stated the Planning Board had recommended approval of the annexation, and the Zoning Commission had recommended approval of the original zoning.

Mayor Holliday asked if anyone wished to be heard.

Raymond King, residing at 3211 Woodleigh Drive, spoke in favor of the items. He stated he had met with area residents to discuss the proposed development; Mr. King advised he believed the proposed zoning was not inconsistent with existing zonings in the area and would not have any negative impact on the surrounding neighborhood.

Charles Bell, residing at 1423 Lord Foxley, expressed concern that noise at his commercial business located adjacent to the proposed residential development would disturb residents; he expressed concern that the developer had planned no buffer between his business and the new development.

Kevin Smith, residing at 4204 Pineneedle Drive, stated that the neighbors in the area opposed the proposed development. Providing photographs of the neighborhood, he stated no amenities were provided for the area, advised that he believed that the development would decrease property values and negatively impact the existing neighborhood; Mr. Smith also expressed concern that Council would allow continuing development with limited water resources available and requests for citizens to enhance water conservation efforts.

Hutsien Brown, residing at 4010 Pineneedle Drive, expressed concern with respect to the negative impact this development would have on area traffic and the neighborhood in general; he requested Council to protect the ecosystem and creek located on the property.

Ben Guiliano, residing at 4108 Pineneedle Drive, expressed concern with respect to what he believed to be abrasive construction that would destroy area wildlife and have a negative impact on property values, traffic and the school system.

Councilmember Burroughs-White moved that the public hearing be closed. The motion was seconded by Councilmember Jones and adopted unanimously by voice vote of Council.

Mr. Ruska provided the following staff recommendation:

The Planning Department recommends that this original zoning be approved.

This is an area that can easily accommodate a mix of single family lot sizes to provide alternatives and opportunities for affordable housing.

For example, the Council approved an RS-7 rezoning request last month for property nearby in the Summit Avenue and Pineneedle Drive area.

RS-9 is an urban lot size that is compatible with the surrounding zoning pattern and single family development in the area.

Council discussed various opinions and concerns with respect to the proposed development; i.e., regulations that might be applicable with regard to the stream located on the property, the City's notification process and the manner by which improvements could be made, available access to the property and its proximity to the proposed outer loop. Some members of Council requested that the developer take steps to protect the streams, provide a play area, consider installing a buffer to protect residents of the new development and ensure that future residents would not complain about noise from businesses that existed in the area for many years prior to this development.

After Alex MacIntosh, Planning Service Coordinator for the Planning Department, outlined the procedures used by the Technical Review Committee to review preliminary plats for proposed development and advised these meetings were not public hearings and residents were not notified. Council directed that members of Council and the neighbors be informed about the proposed development on this property for informational purposes only and emphasized that residents would not have an opportunity to change the zoning or development plans.

For the record, the City Manager advised Council that there would be a need to run an expensive sewer line and lift station for this property; he reiterated this would be the financial responsibility of the developer.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits—located on Assembly Road east of Pineneedle Drive—40.07 acres. The motion was seconded by Councilmember Jones;; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Vaughan and Vaughan. Noes: None.

00-181 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON ASSEMBLY ROAD EAST OF PINENEEDLE DRIVE -- 40.07 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of August 31, 2000, said point being in the east line of Lot 1 of W. A. Smith Estate, recorded at Plat Book 54, Page 4 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 87° 51' 03" E 1,231.98 feet to an existing iron bar; thence N 02° 49' 09" E approximately 164.39 feet to a point in the south right-of-way line of Assembly Road; thence in an easterly direction along said south right-of-way line approximately 700 feet to a point in the west line of property acquired by the North Carolina Department of Transportation for the future interchange of US Highway 29 and the Greensboro Urban Loop Thoroughfare; thence in a southerly direction along the west line of the NCDOT property approximately 900 feet to a point in the west right-of-way line of Corbin Road; thence in a southerly direction along said west right-of-way line approximately 100 feet to a point in White's south line; thence N 84° 38' 25" W 133.19 feet along the north line of the Scales Heirs to an existing iron; thence S 84° 30' 53" W 369.64 feet along the north line of Marshall Scales to the northwest corner of Marshall Scales; thence S 06° 01' 06" W 220.49 feet to an existing iron; thence S 06° 03' 09" W 193.39 feet to a corner with the property of Charles Bell; thence N 88° 18' 03" W 326.0 feet to an iron; thence N 88° 18' 03" W 435.53 feet along the north line of E & H Investors to an existing iron; thence N 88° 15' 21" W 483.98 feet along the north line of Garry V. and Cynthia A. Clapp to the southeast corner of Lot 11 of W. A. Smith Estate, a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following bearings and distances: N 05° 01' 11" E 273.65 feet to the southeast corner of Lot 8 of W. A. Smith Estate; thence N 05° 04' 59" E 339.64 feet to the southeast corner of Lot 4 of W. A. Smith Estate; thence N 04° 59' 34" E 113.80 feet to the northeast corner of said

Lot 4; thence N 04° 59' 35" E 108.93 feet to the southeast corner of Lot 2 of W. A. Smith Estate; thence N 04° 58' 48" E 190.62 feet to the point and place of BEGINNING, and containing approximately 40.07 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after December 31, 2000, the liability for municipal taxes for the 2000-2001 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2001. Municipal ad valorem taxes for the 2001-2002 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after December 31, 2000.

(Signed) Yvonne J. Johnson

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Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family and Highway Business to City Zoning RS-9 Residential Single Family for property located on the south side of Assembly Road between Pineneedle Drive and U. S. 29. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Vaughan and Vaughan. Noes: None.

00-182 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF ASSEMBLY ROAD BETWEEN PINENEEDLE DRIVE AND U.S. 29 NORTH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family and Highway Business to City Zoning RS-9 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line (as of August 31, 2000, said point being in the east line of Lot 1 of W. A. Smith Estate, recorded at Plat Book 54, Page 4 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 87° 51' 03" E 1,231.98 feet to an existing iron bar; thence N 02° 49' 09" E approximately 164.39 feet to a point in the south right-of-way line of Assembly Road; thence in an easterly direction along said south right-of-way line approximately 700 feet to a point in the west line of property acquired by the North Carolina Department of Transportation for the future interchange of US Highway 29 and the Greensboro Urban Loop Thoroughfare; thence in a southerly direction along the west line of the NCDOT property approximately 900 feet to a point in the west right-of-way line of Corbin Road; thence in a southerly direction along said west right-of-way line approximately 100 feet to a point in White's south line; thence N 84° 38' 25" W 133.19 feet along the north line of the Scales Heirs to an existing iron; thence S 84° 30' 53" W 369.64 feet along the north line of Marshall Scales to the northwest corner of Marshall Scales; thence S 06° 01' 06" W 220.49 feet to an existing iron; thence S 06° 03' 09" W 193.39 feet to a corner with the property of

Charles Bell; thence N 88° 18' 03" W 326.0 feet to an iron; thence N 88° 18' 03" W 435.53 feet along the north line of E & H Investors to an existing iron; thence N 88° 15' 21" W 483.98 feet along the north line of Garry V. and Cynthia A. Clapp to the southeast corner of Lot 11 of W. A. Smith Estate, a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following bearings and distances: N 05° 01' 11" E 273.65 feet to the southeast corner of Lot 8 of W. A. Smith Estate; thence N 05° 04' 59" E 339.64 feet to the southeast corner of Lot 4 of W. A. Smith Estate; thence N 04° 59' 34" E 113.80 feet to the northeast corner of said Lot 4; thence N 04° 59' 35" E 108.93 feet to the southeast corner of Lot 2 of W. A. Smith Estate; thence N 04° 58' 48" E 190.62 feet to the point and place of BEGINNING, and containing approximately 40.07 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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The Mayor declared a recess at 7:58 p.m.

The Council re-convened at 8:14 p.m. with all members present.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits-located on South Elm Eugene Street – 32.324 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family and RS-30 MH Residential Single Family (Manufactured Housing Overlay) and zoning reclassification from City Zoning RS-7 Residential Single Family and RS-9 Residential Single Family to City Zoning Conditional Use-Shopping Center for property located on the west side of South Elm-Eugene Street south of Old Treybrooke Drive.

After Councilmember Perkins advised that he had a direct financial interest in these matters, Councilmember Carmany moved that he be permitted to abstain from voting on these ordinances. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Mr. Ruska provided the following staff presentation:

This request is to establish original zoning from County Zoning RS-30 Residential Single Family and RS-30-MH Residential Single Family (Manufactured Housing Overlay) and to rezone property from City Zoning RS-7 and RS-9 Residential Single Family to City Zoning Conditional Use – Shopping Center.

The RS-30 District is primarily intended to accommodate single family detached dwellings at a density of 1.3 units per acre or less.

The RS-30-MH District features a Manufactured Housing Overlay District in addition to RS-30 requirements.

RS-7 and RS-9 Districts are primarily intended to accommodate single family detached dwellings at densities of 4.0 and 5.0 units per acre or less, respectively.

The Shopping Center District is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the shopping needs of the community and the region.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) All those uses permitted in the SC District.
- 2) A collector street will be provided by the developer from South Elm-Eugene Street in a westerly direction to connect to a redesigned Old Treybrooke Drive. Right-of-way and cross section will be provided for said

- collector street as specified in the Transportation Impact Study (“TIS”) dated July 13, 2000, and filed with this rezoning application.
- 3) A maximum of three curb cuts will be permitted on the collector street at locations approved by the North Carolina Department of Transportation (NCDOT) and Greensboro Department of Transportation (GDOT), provided that the easternmost curb cut will be at least 450 feet west of South Elm-Eugene Street, and that a median will be provided from South Elm-Eugene Street to said easternmost curb cut.
 - 4) A sidewalk will be provided along the entire northern boundary of the collector street.
 - 5) A maximum of one curb cut on the western margin of South Elm-Eugene Street, south of the collector street, will be provided at a location approved by NCDOT and GDOT, which will permit right-in, right-out movements only.
 - 6) Improvements will be made by the developer to South Elm-Eugene Street from the point of termination of the project line for the Interstate 85 Bypass work in a northward direction as set forth in the TIS.
 - 7) There will be no buildings constructed or parking allowed on the portion of the property lying between the north right-of-way line of the collector street and the northern property line, except for the area in which Old Treybrooke Drive is to be relocated. Within this area, a continuous row of Leland cypress trees will be planted and maintained.
 - 8) Jerome Drive will not be extended, but a sidewalk will be extended from the termination of Jerome Drive to the sidewalks described in Condition No. 3 above.
 - 9) The property will be developed in accordance with a master development plan, which will provide for cross access among all parcels within the property.
 - 10) There will be a maximum of 380,000 square feet of buildings, excluding buildings located on outparcels on South Elm-Eugene Street.
 - 11) The developer will provide a traffic signal at the intersection of the collector street and South Elm-Eugene Street.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 60.8 acres and is located on the west side of South Elm-Eugene Street south of Old Treybrooke Drive.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-30, RS-30-MH RS-7, RS-9	Mostly vacant land
North	RS-9 RS-30 RM-12	Wynnmere Subdivision Single family dwelling Treybrooke Village Apartments
East	RS-30	2 single family dwellings
South	RS-30	Urban loop construction
West	RS-30	Single family dwelling

Mr. Ruska stated that the Planning Department and Zoning Commission recommended approval of the request; he thereupon provided slides of the property and surrounding area.

Mayor Holliday asked if anyone wished to speak to these matters.

Charlie Melvin, attorney with offices at 300 North Greene Street and representing Carroll Investment Properties; and Roy Carroll, President of Carroll Investment Properties and Old South Home Company, 404 North Eugene Street; spoke in favor of these ordinances. They detailed the assemblage of property to prepare a master planned commercial area to serve the needs of this part of the City, spoke to meetings with area residents to explain the proposal, provided information about the proposed development, offered details about the area and its interaction with major interchanges, and stated this would be a good, unique plan for this area and an asset to the community.

After Council briefly discussed with Jim Westmoreland, Transportation Department Director, the status of studies regarding the interchanges with Painter Boulevard, Councilmember Vaughan moved that the public hearing be closed. The motion was seconded by Councilmember Jones and adopted unanimously by voice vote of Council.

Mr. Ruska provided the following staff recommendation:

The Planning Department recommends that this original zoning and rezoning request be approved.

Given the fact that this parcel is located at the intersection of the urban loop and South Elm-Eugene Street, a major thoroughfare, staff feels this is a good location for a commercial development designed to serve the shopping needs of the community and the region.

A Traffic Impact Study was prepared for this development and approved by GDOT.

The conditions in this application dealing with street improvements, curb cuts, and the traffic signal arose from that TIS.

Other conditions have been included to buffer the impact on the surrounding single family subdivision to the north; for example, the fact that Jerome Drive will not be extended and that no buildings or parking will be located north of the new collector street.

Staff feels that this is a logical location for a planned shopping center and recommends approval as submitted.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits-located on South Elm Eugene Street—32.324 acres. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Phillips, Vaughan and Vaughan. Noes: None, with Councilmember Perkins abstaining due to conflict of interest.

00-183 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON SOUTH ELM-EUGENE STREET -- 32.324 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of August 31, 2000), said point being an existing iron pipe at the southwest corner of William and Catherine Nash Wicker, as recorded in Deed Book 3790, Page 1967 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the southern line of said Wicker S 88° 29' 11" E 497.76 feet to a point in the western right-of-way line of South Elm-Eugene Street; thence in a southerly direction along said right-of-way line 1,087.8 feet to a point in the northern line of property acquired by the North Carolina Department of Transportation for the Interstate 85 Bypass; thence along said NCDOT northern line the following nine courses and distances: (1) N 84° 22' 52" W 70.89 feet to a point; thence (2) along a curve to the left having a radius of 853.15 feet and an arc length of 219.34 feet, a chord bearing and distance of S 79° 39' 55" W 218.74 feet to a point; thence (3) S 66° 10' 00" W 261.84 feet to a point; thence (4) S 64° 11' 38" W 239.74 feet to a point; thence (5) S 67° 59' 53" W 91.51 feet to an existing concrete monument; thence (6) S 75° 13' 48" W 361.85 feet to a point; thence (7) S 86° 35' 26" W 77.94 feet to a point; thence (8) S 87° 21' 57" W 239.30 feet to a point; thence (9) N 83° 44' 37" W 105.84 feet to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following bearings and distances: N 31° 56' 16" E 680.23 feet to a point; thence N 04° 20' 48" E 485.08 feet to the southwest corner of Tract "A" of Wynnmere, Phase 3, as recorded in Plat Book 131, Page 97 in the Office of the Register of Deeds; thence along the southern line of said Tract "A" N 83° 48' 03" E 566.30 feet to the point and place of BEGINNING, and containing 32.324 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property

annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after December 31, 2000, the liability for municipal taxes for the 2000-2001 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2001. Municipal ad valorem taxes for the 2001-2002 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after December 31, 2000.

(Signed) Yvonne J. Johnson

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Councilmember Jones moved that the ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family and RS-30 MH Residential Single Family (Manufactured Housing Overlay) and zoning reclassification from City Zoning RS-7 Residential Single Family and RS9 Residential Single Family to City Zoning Conditional Use-Shopping Center for property located on the west side of South Elm-Eugene Street south of Old Treybrooke Drive be approved based on the following findings of fact:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed commercial use of this property.
2. The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because conditions have been proposed to help buffer the adjacent subdivision from the encroachment of buildings and traffic associated with the commercial development.
3. The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because traffic impacts associated with the development have been mitigated by the proposed conditions and because this property is located at a major interchange of the urban loop.

The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Phillips, Vaughan and Vaughan. Noes: None, with Councilmember Perkins abstaining due to conflict of interest.

00-184 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

WEST SIDE OF SOUTH ELM-EUGENE STREET SOUTH OF OLD TREYBROOKE DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family and RS-30-MH Residential Single Family (Manufactured Housing Overlay) and by rezoning from City Zoning RS-7 Residential Single Family and RS-9 Residential Single Family to

City Zoning Conditional Use – Shopping Center (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point at the southeastern corner of Lot 70, Wynnmere, Phase 3 as shown on a map recorded in Plat Book 131, Page 97 in the Office of the Guilford County Register of Deeds; thence running along the eastern line of said Lot 70 and Lot 71 N05°31'37"E 133.10 feet to a point at the southwestern corner of Lot 75 of said Wynnmere, Phase 3; thence along the southern lines of Lots 75 and 76 of said Wynnmere, Phase 3 the following two (2) courses and distances: 1) S88°29'31"E 82.45 feet to a point at the southwestern corner of Lot 76; thence 2) N83°28'10"E 82.45 feet to a point at the southwestern corner of Lot 119 of said Wynnmere, Phase 3; thence along the southern line of said Lot 119 and Lot 118 and Lots 103 through 106 of said Wynnmere, Phase 3 the following five (5) courses and distances: 1) N75°25'51"E 82.45 feet to a point at the southwestern corner of said Lot 118; thence 2) N67°23'31"E 82.45 feet to a point at the southwestern corner of said Lot 103; thence 3) N59°21'12"E 82.45 feet to a point at the southwestern corner of said Lot 104; thence 4) N56°00'23"E 83.29 feet to a point at the southwestern corner of said Lot 105; thence 5) N65°12'03"E 138.60 feet to a point in the western line of David R. Wright and Shirley H. Wright as recorded and described in Deed Book 2646, Page 25 in said Guilford County Registry; thence along said western line of said Wright N02°17'36"E 58.45 feet to a point at the southwestern corner of William and Catherine Nash Wicker as recorded and described in Deed Book 3790, Page 1967; thence along the southern line of said Wicker S88°29'11"E 497.76 feet to a point in the proposed western right-of-way line of South Elm-Eugene Street; thence along said proposed western right-of-way line the following three (3) courses and distances: 1) S15°06'13"E 355.68 feet to a point; thence 2) along a curve to the right having a radius of 1152.57 feet and an arc length of 493.30 feet, a chord bearing and distance of S05°26'48"E 489.54 feet to a point; thence 3) S02°49'45"W 238.82 feet to a point in the proposed northern right-of-way line (Controlled Access) of Interstate 85 By-Pass; thence along said proposed northern right-of-way line the following ten (10) courses and distances: 1) N84°22'52"W 70.89 feet to a point; thence 2) along a curve to the left having a radius of 853.15 feet and an arc length of 219.34 feet a chord bearing and distance of S79°39'55"W 218.74 feet to a point; thence 3) S66°10'00"W 261.84 feet to a point; thence 4) S64°11'38"W 239.74 feet to a point; thence 5) S67°59'53"W 91.51 feet to a point; thence 6) S75°13'48"W 361.85 feet to a point; thence 7) S86°35'26"W 77.94 feet to a point; thence 8) S87°21'57"W 239.30 feet to a point; thence 9) N83°44'37"W 155.31 feet to a point; thence 10) S83°41'48"W 422.17 feet to a point in the eastern line of Maurice K. Bason and Hilda G. Bason, Lot 4 as shown on a map recorded in Plat Book 71, Page 22 in said Guilford County Registry; thence along said eastern line of said Bason N26°50'24"W 64.67 feet to a point at the northeastern corner of said Bason; thence along the northern line of said Bason S80°44'43"W 339.71 feet to a point at the southeastern corner of a 3.767 acre tract to be conveyed to the Laytons; thence along the eastern line of said 3.767 acre tract N05°13'19"W 958.54 feet to a point in the southern line of Carroll Investment Properties, Inc. as shown on a map recorded in Plat Book 130, Page 102 in said Guilford County Registry; thence along said southern line of said Carroll Investment Properties, Inc. N83°30'20"E 232.52 feet to a point in the southern line of said Wynnmere, Phase 3; thence along said southern line N83°48'03"E 1067.47 feet to the point and place of BEGINNING and being an area of 60.813 acres more or less.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) All those uses permitted in the SC District.
- 2) A collector street will be provided by the developer from South Elm-Eugene Street in a westerly direction to connect to a redesigned Old Treybrooke Drive. Right-of-way and cross section will be provided for said collector street as specified in the Transportation Impact Study ("TIS") dated July 13, 2000, and filed with this rezoning application.
- 3) A maximum of three curb cuts will be permitted on the collector street at locations approved by the North Carolina Department of Transportation (NCDOT) and Greensboro Department of Transportation (GDOT), provided that the easternmost curb cut will be at least 450 feet west of South Elm-Eugene Street, and that a median will be provided from South Elm-Eugene Street to said easternmost curb cut.
- 4) A sidewalk will be provided along the entire northern boundary of the collector street.
- 5) A maximum of one curb cut on the western margin of South Elm-Eugene Street, south of the collector street, will be provided at a location approved by NCDOT and GDOT, which will permit right-in, right-out movements only.

- 6) Improvements will be made by the developer to South Elm-Eugene Street from the point of termination of the project line for the Interstate 85 Bypass work in a northward direction as set forth in the TIS.
- 7) There will be no buildings constructed or parking allowed on the portion of the property lying between the north right-of-way line of the collector street and the northern property line, except for the area in which Old Treybrooke Drive is to be relocated. Within this area, a continuous row of Leland cypress trees will be planted and maintained.
- 8) Jerome Drive will not be extended, but a sidewalk will be extended from the termination of Jerome Drive to the sidewalks described in Condition No. 3 above.
- 9) The property will be developed in accordance with a master development plan, which will provide for cross access among all parcels within the property.
- 10) There will be a maximum of 380,000 square feet of buildings, excluding buildings located on outparcels on South Elm-Eugene Street.
- 11) The developer will provide a traffic signal at the intersection of the collector street and South Elm-Eugene Street.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Earl Jones

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits-located on Guilford College Road – 24.704 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning RS-12 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the east side of Guilford College Road between Jamesford Drive and Danny Lane.

Mr. Ruska provided a map and slides to illustrate the property and surrounding area. He stated that the Planning Board had recommended the annexation, and the Zoning Commission had recommended the original zoning.

Mayor Holliday asked if anyone wished to speak to these matters.

Abigaile Pittman, an urban planning consultant residing at 210 Louise Avenue, High Point, NC, stated that Guilford County and City planners had recommended that this property be annexed by Greensboro to receive City services; Ms. Pittman spoke to the need to acquire easements from nearby property ownersto provide services to this property. She advised that the density of the proposed development was controlled by watershed requirements, noted open space would be provided for water quality ponds, and stated that, in her opinion, the zoning would be in harmony with the surrounding area.

Councilmember Carmany moved that the public hearing be closed. The motion was seconded by Councilmember Vaughan and adopted unanimously by an 8-1 voice vote, with Councilmember Perkins abstaining due to conflict of interest.

Mr. Ruska provided the following staff recommendation:

The Planning Department recommends that this proposed original zoning be approved.

This item results from a utility agreement and annexation petition.

The Planning Board has unanimously recommended the annexation.

This is simply a matter of converting the existing RS-12 County Zoning to RS-12 City Zoning.

Council briefly discussed the required notification process for the annexation and zoning requests. Councilmember Phillips expressed concern that some citizens whose property would be impacted were not notified that water and sewer lines would go through their property; he thereupon requested staff to explore the feasibility of expanding the existing notification policy. Councilmember Perkins offered his thoughts about the City's annexation agreement with High Point and the position that the developer should bear the expense for the water and sewer lines.

Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limits-located on Guilford College Road—24.704 acres. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Vaughan and Vaughan. Noes: None.

00-185 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON GUILFORD COLLEGE ROAD -- 24.704 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the eastern right-of-way line of Guilford College Road, the southwest corner of Lot 2 of G. G. Merritt Estate, as recorded in Plat Book 17, Page 5 in the Office of the Guilford County Register of Deeds; thence S 87° 10' 18" E 1,748.50 feet along the northern line of Lot 3 of said subdivision to the northeast corner of said Lot 3; thence S 03° 25' 21" W 299.78 feet to an iron pipe at the southeast corner of Lot 5 of said subdivision; thence S 03° 25' 32" W 100.13 feet to an iron pipe at the northeast corner of Lot 7 of said subdivision; thence S 03° 27' 45" W 199.90 feet to the southeast corner of Lot 8 of said subdivision; thence N 87° 10' 22" W 1,844.31 feet along the southern line of said Lot 8 to a point in the eastern right-of-way line of Guilford College Road; thence N 10° 32' 08" E approximately 605 feet along said eastern right-of-way line to the point and place of BEGINNING, and containing 24.704 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after December 31, 2000, the liability for municipal taxes for the 2000-2001 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2001. Municipal ad valorem taxes for the 2001-2002 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after December 31, 2000.

(Signed) Claudette Burroughs-White

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Councilmember Carmany moved adoption of the ordinance establishing original zoning classification from County Zoning RS-12 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the east side of Guilford College Road between Jamesford Drive and Danny Lane. The motion was seconded by Councilmember D. Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None

00-186 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF GUILFORD COLLEGE ROAD BETWEEN JAMESFORD DRIVE AND DANNY LANE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-12 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the eastern right-of-way line of Guilford College Road, the southwest corner of Lot 2 of G. G. Merritt Estate, as recorded in Plat Book 17, Page 5 in the Office of the Guilford County Register of Deeds; thence S 87° 10' 18" E 1,748.50 feet along the northern line of Lot 3 of said subdivision to the northeast corner of said Lot 3; thence S 03° 25' 21" W 299.78 feet to an iron pipe at the southeast corner of Lot 5 of said subdivision; thence S 03° 25' 32" W 100.13 feet to an iron pipe at the northeast corner of Lot 7 of said subdivision; thence S 03° 27' 45" W 199.90 feet to the southeast corner of Lot 8 of said subdivision; thence N 87° 10' 22" W 1,844.31 feet along the southern line of said Lot 8 to a point in the eastern right-of-way line of Guilford College Road; thence N 10° 32' 08" E approximately 605 feet along said eastern right-of-way line to the point and place of BEGINNING, and containing 24.704 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Sandy Carmany

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing on basis of petition roadway paving and sewer improvements on Aloe Road from Nile Road to Sims Road. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember D. Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

A-112 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

ALOE ROAD FROM NILE ROAD TO SIMS ROAD

WHEREAS, due notice has been given that on the 3rd day of October, 2000 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the petition for the local improvements hereinafter described is hereby found to be sufficient in all respects.

B. That the local improvements to be made on the street or streets set out above are as follows:

- (a) Roadway Paving Improvements. The street or streets hereinabove named within the limits defined to be paved a maximum of 30 feet in width with stone base asphaltic concrete surface, the paving to include grading, construction of storm sewers, and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the paving.
- (b) Sanitary Sewer Improvements. A sanitary sewer main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the sewer main.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution to be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed Earl Jones)

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution supporting the nomination of World War Memorial Stadium to the National Register of Historic Places.

Stefan-leigh Kuns, Preservation Planning Technician with the Housing and Community Development Department, advised the nomination was requested by the Charles B. Aycock Historic District and a public hearing was required to provide the opportunity for public comments. Ms. Kuns reviewed a portion of the application and advised that listing the Stadium on the Register was an honorary status and would not place any restrictions on the City.

Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

191-00 RESOLUTION SUPPORTING THE NOMINATION OF WORLD WAR MEMORIAL STADIUM TO THE NATIONAL REGISTER OF HISTORIC PLACES

WHEREAS, the World War Memorial Stadium is under consideration for nomination to the National Register of Historic Places;

WHEREAS, the National Register is the nation's official list of historic buildings, districts, archaeological sites, and other resources worthy of preservation;

WHEREAS, the World War Memorial Stadium was erected in 1926 by the citizens of Guilford County as a memorial to their World War I casualties and therefore embodies important elements of the cultural heritage of the community;

WHEREAS, World War Memorial Stadium is a unique local example of the monumental Moderne style of architecture;

WHEREAS, the Greensboro Historic Preservation Commission, in accordance with its responsibility to review proposed National Register nominations under the Certified Local Government Program, believes that the World War Memorial Stadium meets the criteria for listing in the National Register of Historic Places;

WHEREAS, opportunity for public comment has been adequately provided.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Greensboro City Council, in recognizing the need to preserve properties and areas that embody important elements of the community's architectural and cultural heritage, hereby supports the nomination of the World War Memorial Stadium to the National Register Historic District.

(Signed) Claudette Burroughs-White

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After the Mayor moved to the Consent Agenda and requested a motion to adopt all resolutions listed on thereon, Councilmember Phillips moved adoption of the Consent Agenda. The motion was seconded by Councilmember Carmany and adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

192-00 RESOLUTION AUTHORIZING ENCROACHMENT AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR THE SOUTH ELM STREET SIDEWALK PROJECT

WHEREAS, the City is currently undergoing work on the sidewalk project on South Elm Street which calls for the sidewalk to run under the tracks at an underpass of the North Carolina Railroad Company at Milepost CF-71 plus 3,023 feet;

WHEREAS, Norfolk Southern Railway Company has agreed to enter into an agreement granting the City the right to proceed with the work under said underpass;

WHEREAS, there will be no impact on the budget as this sidewalk is encroaching on the railroad right-of-way under the tracks at an underpass and Norfolk Southern Railroad Company is not charging the City for this encroachment;

WHEREAS, it is deemed in the best interest of the City to enter into an encroachment Agreement with Norfolk Southern Railway Company to install the sidewalk under the underpass in accordance with the terms and conditions therein and such Agreement is presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the encroachment Agreement with Norfolk Southern Railway Company is hereby approved pursuant to the authority of N.C.G.S. §160A-274 and the City Manager is hereby authorized to execute said agreement on behalf of the City.

(Signed) Thomas M. Phillips

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193-00 RESOLUTION RESCINDING RESOLUTION NO. 203-96 DATED NOVEMBER 19, 1996 AND AUTHORIZING PURCHASE OF PROPERTY OF CAPE WEDGEWOOD, INC. UNDER THE CITY-COUNTY AGREEMENT FOR WATERSHED PROTECTION

WHEREAS, on November 19, 1996, the City Council authorized the purchase in the amount of \$77,500.00 of property of Cape Wedgewood, Inc. pursuant to the City-County Agreement dated August 17, 1989 for the purpose of providing protection to existing and proposed public water supplies;

WHEREAS, Cape Wedgewood subsequently reversed its decision and refused to settle this matter for the original purchase price of \$77,500.00 and, therefore, the County filed a condemnation proceeding on April 18, 2000, to condemn the 4.358 acres;

WHEREAS, an agreement for the purchase of the property has been reached in the amount of \$66,475.00;

WHEREAS, pursuant to said agreement the County and City will obtain 3.17 acres fee simple, 1.01 acres in a watershed easement and 50' Kalon Drive right of way to be dedicated fee simple to the State of North Carolina;

WHEREAS, Guilford County has requested concurrence by the City for the purchase of this tract of land as required by the agreement for the amount of \$66,475.00;

WHEREAS, the County shall convey a one-half undivided interest in any property so acquired to the City of Greensboro under a reimbursement formula contained in paragraph 4 of said agreement;

WHEREAS, in the opinion of the City Council, it is deemed in the best interest of the City of Greensboro to rescind the resolution adopted on November 19, 1996 as set out and to authorize the purchase of the said property in the amount of \$66,475.00 under the City-County Agreement for Watershed Protection.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the resolution adopted by the City Council on November 19, 1996, authorizing the purchase of 4.538 acres of property from Cape Wedgewood, Inc. in the amount of \$77,500.00 is hereby rescinded.
2. That, in accordance with the agreement entered into with Guilford County on 17 August 1989 for providing protection to existing and proposed public water supplies, it hereby concurs with and authorizes the purchase by Guilford County of property owned by Cape Wedgewood, Inc. which is located off Kalon Drive on Lake Townsend in the amount of \$66,475.00.

(Signed) Thomas M. Phillips

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194-00 RESOLUTION AUTHORIZING AND APPROVING SALE OF PROPERTY LOCATED IN THE AREA BETWEEN HEWITT STREET SOUTH TO THE RAILROAD TO CARL JOHNSON

WHEREAS, in 1993 the City acquired certain properties on the eastern side of Hewitt Street south to the railroad for the Merritt Drive Widening project;

WHEREAS, there is excess land remaining from the project which has no municipal use or road frontage, said property being shown on the attached map;

WHEREAS, Sec. 4.124 of the Greensboro City Charter authorizes the sale of excess property no longer needed for a particular improvement or public purpose.

WHEREAS, Mr. Carl Johnson, the adjoining property owner, wishes to acquire said excess land;

WHEREAS, the area of 11,678 square feet has an appraised value of \$2,121.00 and it is deemed in the best interest of the City to sell said property for the appraised amount.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the sale of 11,678 square feet of property remaining from the Merritt Drive Widening project in the amount of \$2,121,00 to Carl Johnson is hereby approved.

(Signed) Thomas M. Phillips

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195-00 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF MORRIS AND JUDY NEWLIN FOR THE NEW GARDEN ROAD WIDENING

WHEREAS, in connection with the New Garden Road Widening project, the property owned by Morris and Judy Newlin, Tax Map No. 1-32-860-26 and 36 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$19,185.59 and the owner has agreed to settle for the price of \$21,286.00, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$21,286.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 431-6002-46.6012 CBR 079.

(Signed) Thomas M. Phillips

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196-00 RESOLUTION OF SUPPORT FOR THE NCDOT ROAD WIDENING PROJECT: WEST MARKET STREET FROM SANDY RIDGE ROAD TO NC 68

WHEREAS, Article 1, Chapter 136 of the North Carolina General Statutes requires that “the Department of Transportation inform all municipalities and counties affected by a planned transportation project and request each affected municipality or county to submit within 45 days a written resolution expressing their views on the project.”;

WHEREAS, the North Carolina Department of Transportation (NCDOT) plans to construct the following project within the city limits of Greensboro: Widen West Market Street (SR 1008) from Sandy Ridge Road (SR 1850) to NC 68 at various locations to provide a continuous three lane section;

WHEREAS, the NCDOT Division 7 Office has requested a City Council resolution expressing its views on this roadway construction project;

WHEREAS, this roadway construction project will improve roadway safety, enhance access to adjoining properties, and enhance mobility for people and freight;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Article 1, Chapter 136 of the North Carolina General Statutes, the City Council supports the West Market Street widening project.

(Signed) Thomas M. Phillips

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Mayor Holliday stated that staff would receive a Report on Hope VI Project by Greensboro Housing Authority.

Elaine Ostrowski, Executive Director of the Greensboro Housing Authority, advised her staff would provide a brief update with respect to the Willow Oaks Project, formerly known as HOPE VI. She further advised a future briefing would be provided to Council and reviewed actions that had taken place. Ms. Ostrowski advised that James Cox had been hired as the local construction project manager for this project.

Mr. Cox used a slide presentation to provide a detailed overview of the ongoing process involved with the Willow Oaks. He summarized the outcome of the design charette and level of citizen participation and public input received; reviewed the proposed site plan, proposed housing unit mixes, floor plans, etc.; reported on city activities/actions with respect to the project; i.e., acquisitions, relocation, and demolition; and spoke to the current activities of the Community Self Sufficiency Program. Councilmember Johnson recognized Evelyn Taylor, President of Morningside Homes, who was present in the Chamber.

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The Mayor advised citizens interested in speaking to the resolution offered at the last meeting by Councilmember Johnson or to any other matter should speak at the Speakers from the Floor portion of the meeting.

Davis North, attorney residing on Century Oaks Drive; Stephen Dear, residing at 257 ½ East Franklin Street, Chapel Hill, NC; Dorothy Brown, residing at 603 Julian Street; Mazie Ferguson, residing at 1000 Ross Avenue; and Frank Dew, residing at 1000 Ross Avenue; spoke in support of a moratorium on executions. A number of citizens were also present in the Chamber to support the moratorium.

The speakers provided statistical data with respect to the execution process, offered alternatives to the death penalty, cited personal experiences related to this matter, discussed the execution process in North Carolina and what they believed to be inequitable implementation, noted new technology that might impact the execution process, and outlined problems involved with this process. Supporting the concept that inequities exist in the application of the death penalty, they cited as concerns the lack of quality legal representation for citizens who cannot afford to hire attorneys and the fact that poor citizens are most likely to be negatively impacted. The speakers requested Council to support the moratorium and a study of the existing execution process.

Alan Marshall, no address provided, spoke in opposition to a moratorium on executions. He shared details about a personal experience and offered his personal opinions with respect to the overall process involved with execution.

Council discussed personal opinions with respect to the overall process involved with the implementation of the death penalty. Some members of Council spoke to the need for fair implementation, the belief that adequate legal representation should be provided for all citizens, the governing body which could legally enact a moratorium, and the proposed moratorium on the death penalty. Councilmember Johnson spoke to the existence of compelling evidence that the current system was not workable and needed to be reviewed/revised. Emphasizing that the resolution offered for Council's consideration was not about whether a death penalty was needed but was to ensure fair treatment for everyone, she offered a number of determinants which should be in place before the death penalty was implemented; i.e., the need for quality attorneys for everyone, DNA evidence, recorded confessions, and guilt beyond any doubt. Councilmember Phillips stated he did not believe that this issue that should be addressed by Council and offered his personal opinion about the underlying intent of citizens' support for a moratorium.

After lengthy discussion, Councilmember Johnson moved adoption of the resolution for a moratorium on executions. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the

following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Vaughan and Vaughan. Noes: Phillips.

197-00 RESOLUTION FOR A MORATORIUM ON EXECUTIONS, CITY OF GREENSBORO, NC

WHEREAS, prisoner appeals have been severely curtailed, increasing the risk of imprisonment and execution of innocent people:

- ❖ The most far-reaching study of the death penalty in the U. S. found that two out of three convictions were overturned on appeal, mostly because of serious errors by incompetent defense lawyers or prosecutorial misconduct, and that North Carolina had a 71 percent error rate. (J.S. Liebman, Columbia Univ., June 2000)
- ❖ So far 87 people, including four North Carolinians, have been released from death row after their innocence was proven, in some cases, by amateur investigators outside the justice system.
- ❖ In a series of rulings since 1991, the U. S. Supreme Court has drastically restricted the rights of death row prisoners to appeal their convictions and death sentences in federal courts, even in cases where prisoners present compelling evidence of innocence.

WHEREAS, death sentences are reserved for the poor:

- ❖ About 90% of those persons facing capital charges cannot afford their own attorney, and that figure is higher for North Carolina's death row prisoners.
- ❖ No state has met standards developed by the American Bar Association for appointment, performance and compensation of counsel for indigent prisoners.
- ❖ 76% of all people executed by the State of North Carolina have been African American. (NCDOC)
- ❖ 60% of death row in N.C. is composed of racial minorities, one of the highest percentages of any state death row population. (NCDOC)

WHEREAS, there is ample evidence that the death penalty is applied in a racist manner:

- ❖ In 1990, the U.S. General Accounting Office reported "a pattern of evidence indicating racial disparities in charging, sentencing and imposition of the death penalty."
- ❖ In North Carolina, a person charged with killing a white person is 4.4 times more likely to receive the death penalty.
- ❖ Nationwide 82% of those put to death had been convicted of murdering a white person even though people of color are the victims in more than half of all homicides.
- ❖ The U.S. Congress and N.C. General Assembly have failed repeatedly to pass a Racial Justice Act, which would allow prisoners to challenge their death sentences using standards normal in civil racial discrimination cases.
- ❖ In 1987, in *McCleskey v. Kemp*, the U.S. Supreme Court acknowledged but refused to act on data demonstrating the continuing reality of racial bias.

WHEREAS, the American Bar Association has concluded that administration of the death penalty is "a haphazard maze of unfair practices with no internal consistency" and has called for a moratorium on executions.

NOW, THEREFORE, BE IT RESOLVED that the City of Greensboro, NC calls on the North Carolina Governor and our state legislators, and the U.S. President and our legislators in Congress, to enact and adopt legislation imposing a moratorium on executions at least until this state and the nation implement policies and procedures which:

- ❖ Ensure that death penalty cases are administered fairly and impartially, in accordance with basic due process,
- ❖ Minimize the risk that innocent persons may be executed, and
- ❖ Prevent the execution of mentally retarded persons and persons who were under the age of 18 at the time of their offenses.

Be it further resolved that this organization shall forward copies of this resolution to the N.C. governor, our state legislators, the U. S. President, and our legislators in Congress.

(Signed) Yvonne J. Johnson

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Councilmember Johnson left the Chamber at 10:30 p.m.

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Councilmember Carmany moved that Brian Byrd be appointed to fill the unexpired portion of term of Wanda Daughtry on the Board of Adjustment; this term will expire 15 June 01. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council with Councilmember Johnson voting in absentia as provided for by law.

Councilmember Carmany expressed appreciation for the warm hospitality everyone had shown to The Honorable Valeriu Nemerenco, Mayor of Buiucani Sector, Republic of Moldova, and his delegation on their recent visit to Greensboro. Council commended Councilmember Carmany for her excellence in working with this Sister City Program.

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Councilmember Johnson re-entered the Chamber at 10:32.

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Councilmember Burroughs-White moved that Beth McKee-Huger be appointed to fill the unexpired portion of term of Joy Farland on the Minimum Housing Standards Commission; this term will expire 15 August 02. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

The Mayor advised the Minimum Housing Standards Commission still had three vacancies and that the September meeting had been canceled for lack of quorum. He encouraged Council to address the existing vacancies as soon as possible.

Councilmember Burroughs-White added the name of Mazie Ferguson to the boards and commissions data bank for consideration for future service.

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After brief discussion regarding election day in November, Councilmember Johnson moved adoption of an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Council meetings to change the time of the regular meeting time of the City Council meeting of 7 November 2000 to 4:00 p.m. in lieu of 6:00 p.m. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-187 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO COUNCIL MEETINGS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by changing the regular meeting time of the City Council meeting of 7 November 2000 to 4:00 p.m. in lieu of 6:00 p.m.

Section 2. That all laws and clauses of laws in conflict of the provision of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. That this Ordinance shall be come effective immediately upon adoption.

(Signed) Yvonne J. Johnson

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Councilmember Phillips added the name of Dick Grubar, President of the Sports Council, to the boards and commissions data bank for consideration of future service on the War Memorial Commission.

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Council discussed meetings and events of interest.

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Councilmember Phillips moved that the City Council adjourn. The motion was seconded by Councilmember N. Vaughan and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 10: 40 P.M.

JUANITA F. COOPER
CITY CLERK

KEITH A. HOLLIDAY
MAYOR
